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HOUSE BILL 1298

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO TRIBAL COMPACT NEGOTIATIONS; AMENDING THE COMPACT  
NEGOTIATION ACT TO LIMIT THE TIME AN INDIAN NATION, TRIBE OR  
PUEBLO MAY OPT INTO THE 2007 AMENDMENTS NEGOTIATED TO THE 2001  
TRIBAL GAMING COMPACTS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-13A-4 NMSA 1978 (being Laws 1999,  
Chapter 252, Section 4) is amended to read:

"11-13A-4. SUBMITTAL TO COMMITTEE--COMMITTEE ACTION--  
LEGISLATIVE ACTION.--

A. Submittal of a proposed compact or amendment  
occurs when the compact or amendment and the submittal document  
are received for the committee by the legislative council  
service.

B. After its receipt, the committee shall review

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1 the proposed compact or amendment in a timely manner but no  
2 later than forty-five days from receipt and shall:

3 (1) recommend approval of the proposed compact  
4 or amendment by submitting a joint resolution to approve the  
5 compact or amendment to the legislature; or

6 (2) by written transmittal document, propose  
7 specific modifications to the proposed compact or amendment and  
8 request the governor to resume negotiations with the tribe.

9 C. If the committee proposes specific modifications  
10 to the proposed compact or amendment, the governor or [~~his~~] the  
11 governor's designated representative shall resume negotiations  
12 with the tribe within twenty days of receipt of the transmittal  
13 document unless within that time period either the governor or  
14 the tribe refuses to negotiate further, in which case the  
15 governor shall notify the committee immediately.

16 D. If negotiations are resumed pursuant to  
17 Subsection C of this section and a modified proposed compact or  
18 amendment is agreed to, the governor shall submit the modified  
19 proposed compact or amendment together with any additional  
20 analysis or recommendations to the committee. The approval  
21 process described in this section for the originally submitted  
22 proposed compact or amendment shall be followed for  
23 consideration of a proposed modified compact or a proposed  
24 modified amendment, except that the committee shall conduct its  
25 review in a timely manner but in not more than thirty days.

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1           E. Within thirty days of being notified that  
2 further negotiations are refused, the committee shall meet to  
3 reconsider the proposed compact or amendment together with any  
4 changes agreed upon by the negotiating parties. The committee  
5 shall submit to the legislature the proposed compact or  
6 amendment and a joint resolution to approve the proposed  
7 compact or amendment with the committee's recommendation to  
8 approve it or disapprove it, or expressing no recommendation on  
9 the action that should be taken by the legislature.

10           F. The committee may return a proposed compact or  
11 amendment with suggested modifications to the governor and the  
12 tribe for renegotiation no more than three times. After the  
13 third submittal for renegotiation, the committee shall submit  
14 to the legislature the proposed compact or amendment and a  
15 joint resolution to approve the proposed compact or amendment  
16 with the committee's recommendation to approve it or disapprove  
17 it, or expressing no recommendation on the action that should  
18 be taken by the legislature.

19           G. If the legislature is in session when the  
20 committee makes its decision on the proposed compact or  
21 amendment, the committee shall prepare and introduce a joint  
22 resolution to approve the proposed compact or amendment without  
23 delay after reaching its decision. The joint resolution shall  
24 be accompanied by the committee's recommendation to approve or  
25 to disapprove or expressing no recommendation. A joint

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1 resolution may cover more than one compact or amendment if the  
2 terms of the compacts or amendments are identical except for  
3 the name of the tribe and the name of the person executing the  
4 compact on behalf of the tribe. If a majority in each house  
5 votes to adopt the joint resolution, the proposed compact or  
6 amendment is approved by the legislature, and the governor  
7 shall execute it on behalf of the state.

8 H. If the legislature is not in session when the  
9 recommendation of the committee is submitted, the committee  
10 shall proceed pursuant to the provisions of Subsection G of  
11 this section by no later than the second day of the next  
12 regular or special session of the legislature.

13 I. The legislature may only amend or modify the  
14 joint resolution submitted to it pursuant to the provisions of  
15 this section so as to correct technical errors in the text or  
16 format. Neither house may refer the joint resolution to a  
17 committee other than a committee of the whole in each house.

18 J. If a request for negotiation of a compact or  
19 amendment is made and the proposed compact or amendment is  
20 identical to a compact or amendment previously approved by the  
21 legislature except for the name of the compacting tribe and the  
22 names of the persons to execute the compact or amendment on  
23 behalf of the tribe and on behalf of the state, the governor  
24 shall approve and sign the compact or amendment on behalf of  
25 the state without submitting the compact for approval pursuant

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1 to the provisions of this section; provided that, with respect  
2 to a compact or amendment approved by the first session of the  
3 forty-eighth legislature, the request shall be received by the  
4 governor by no later than two hundred forty days following the  
5 date on which the compact or amendment was approved by the  
6 legislature, or, in the case of a request by a tribe that has  
7 not entered into a compact as of two hundred forty days  
8 following the date on which the compact or amendment was  
9 approved by the legislature, two hundred forty days following  
10 the date the tribe first executes the 2001 tribal gaming  
11 compact with the state. A compact or amendment signed by the  
12 governor pursuant to this subsection is deemed approved by the  
13 legislature."

14 Section 2. EMERGENCY.--It is necessary for the public  
15 peace, health and safety that this act take effect immediately.

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